

MONIQUE BEVERLY FRANCIS alleges that her fall resulted in bodily injuries and associated damages. (See Petition for Damages).

III.

The civil action described above is brought by **MONIQUE BEVERLY FRANCIS**, a resident of St. Mary Parish, State of Louisiana. (See Petition for Damages, preamble). **BROOKSHIRE GROCERY COMPANY** is a corporation organized under the laws of the State of Texas with its principal office located in Texas. Therefore, because Defendant is not a Louisiana citizen, **MONIQUE BEVERLY FRANCIS** is diverse from Defendant in this litigation.

IV.

MONIQUE BEVERLY FRANCIS' claims also meet the amount in controversy requirement. In Paragraph 10 of the Petition for Damages, it is alleged by **MONIQUE BEVERLY FRANCIS** that she has sustained “past, present and future medical, hospital, and surgical expenses and other related expenses, past, present and future physical pain and suffering, mental anguish and distress and inconvenience, permanent impairment, disfigurement, scarring, disability, and loss of use, past, present and future wages and loss of educations, and other damages.” (see Paragraph 10, Petition for Damages).

V.

Mover received correspondence dated February 26, 2020, from counsel for **MONIQUE BEVERLY FRANCIS** setting out a summary of treatment costs to date. Plaintiff’s counsel advised that as a result of the accident, “Mrs. Francis had to undergo an MRI, injections and several follow up appointment with her providers.” He further noted that the “MRI of October 1,

2019 revealed a Grade 1 retrolisthesis at L3-L4-L5, L4-L5 disc bulge, and L5-S1 nerve root compressions and on November 13, 2019, underwent surgical steroid injections at L5-S1.” He further submitted a settlement demand of “\$136,977.13 as full and final settlement of this matter.” (See Plaintiff’s counsel’s correspondence dated February 26, 2020, attached to this Notice of Removal and marked for identification as Exhibit “B”). This case therefore meets the amount in controversy requirement for purposes of removal (\$75,000.00).

VI.

This civil action is one in which this Honorable Court has original jurisdiction by reason of diversity of citizenship and amount in controversy, 28 U.S.C. § 1332, and is removable under 28 U.S.C. § 1441, *et seq.*

VII.

This Notice of Removal is being filed within 30 days of Mover’s receipt of Plaintiff’s Petition for Damages and it is therefore timely filed under 28 U.S.C. § 1446.

VIII.

Promptly after filing this Notice of Removal, Mover is serving written Notice of Removal upon the adverse party, and a copy of this Notice of Removal is being filed with the Clerk of the 16th Judicial District Court for the Parish of Lafayette, State of Louisiana, to effect the removal of this action to this Court, all in conformity with 28 U.S.C. § 1446.

WHEREFORE, **BROOKSHIRE GROCERY COMPANY** prays that this Notice of Removal be accepted as good and sufficient, and that the above-captioned civil action be removed from the 16th Judicial District Court for the Parish of Iberia, State of Louisiana, to this Honorable Court, for trial and determination as provided by law; that this Court enter such orders

and issue such process as may be necessary and proper and thereupon proceed with this civil action as if originally commenced in this Court, and for all necessary and appropriate orders and decrees in accordance with the applicable law.

Respectfully submitted

BREAUD & MEYERS

s/Andrew H. Meyers

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